

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

IN ADMIRALTY

IN THE MATTER OF:

**THE COMPLAINT OF WILLIAM FARRAR
AND KIM FARRAR, AS OWNERS, AND
CAPTAIN BILLY FARRAR FISHING LLC,
AS OWNER *PRO HAC VICE* OF A 1993 18'
TILTON (HIN: DIDXXX63B993), ITS
ENGINES, TACKLE, APPURTENANCES,
EQUIPMENT, ETC., IN A CAUSE OF
EXONERATION FROM OR LIMITATION
OF LIABILITY,**

**CASE NO.: 5:20-cv-274-JSM-
PRL**

Petitioners.

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**ORDER APPROVING AD INTERIM STIPULATION,
MONITION AND INJUNCTION**

A Complaint has been filed herein by Petitioners, WILLIAM FARRAR and KIM FARRAR, as owners, and CAPTAIN BILLY FARRAR FISHING, LLC, as owner *pro hac vice* of a 1993 18' Tilton (HIN: DIDXXX63B993) (the "Vessel"). Petitioners are claiming the benefits of exoneration from or limitation of liability as provided for in the Act of Congress embodied in 46 U.S.C. § 30501, et seq., together with all statutes supplementary thereof, and Rule F of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure. Petitioners are also contesting liability independently of the limitation of liability claim under said Act for any loss, damage, personal injuries, or destruction of property or other occurrences arising from the incident described in said Complaint, which occurred on or about March 14, 2020, on the navigable waters of the Little Homosassa River in Homosassa, Citrus County, Florida. Petitioners' Complaint also states the facts and circumstances on which such

exoneration from or limitation of liability is claimed; and on hearing counsel for Petitioners and on considering the Complaint, which is filed herein, and considering Petitioners are able and willing to make such increases or decreases in the *Ad Interim* Stipulation, together with adequate surety as the Court may from time to time require and the value of Petitioners' interests in the Vessel can be more definitely ascertained, the Court finds that an *Ad Interim* Stipulation in the amount of \$0.00, fully covers the value of Petitioners' interests in the Vessel, its pending freight, together with her engines, tackles, appurtenances, etc.

Accordingly, it is hereby

ORDERED that Petitioner's *Ad Interim* Stipulation filed herein (Doc. 3) is approved as security for the value of Plaintiff's interest in the Vessel and its pending freight, if any, as fixed by the Court herein in the amount of \$0.00, together with costs of Court and interest at the rate of six percent (6%) per annum, with Petitioner being subject to such increases or decreases in the amount of such *Ad Interim* Stipulation, together with adequate surety, as the Court may from time to time order according to the rules and practices of this Court; and it is further

ORDERED that any party, including Petitioner, may apply to have the amount of said *Ad Interim* Stipulation increased or decreased, as the case may be, on the filing of the report of the Commissioner appointed, if any, to appraise the amount of value of Petitioner's interest in the vessel and its pending freight, if any, or upon the ultimate determination by the Court on exceptions to the Commissioner's report, if any, and it is further

ORDERED that if the amount of said *Ad Interim* Stipulation is not contested by any Claimant herein, said *Ad Interim* Stipulation shall stand as a stipulation for the value and an appraisal will not be required;


ORDERED AND ADJUDGED that a Monition and Injunction issue out of and under seal of this Court against all persons or corporations asserting claims for any and all losses, damages, injuries, or destruction allegedly as a result of the occurrences and happening recited in the Complaint, to file their respective claims with the Clerk, United States District Court for the Middle District of Florida, on or before **August 18, 2020**, and serve on Petitioners' attorneys, Hamilton, Miller & Birthisel, LLP, 100 S. Ashley Drive, Suite 1210, Tampa, Florida 33602, a copy thereof, or be defaulted. If any claimant desires to contest Petitioners' right to exoneration from or limitation of liability, Claimant shall file and serve on Petitioners' attorneys an answer to the Complaint, on or before said date, unless the claim included an answer to the Complaint so designated, or be defaulted;

ORDERED AND ADJUDGED that a public notice of said Monition be given by publication as required by Supplemental Rule F, once a week for four successive weeks in the *Citrus County Chronicle* prior to the date fixed for filing of claims in accordance with Supplemental Rule F and that not later than the second weekly publication, a copy of said notice be mailed by Petitioners to every person or corporation known to have a claim against Petitioners arising out of the incident set forth in the Complaint;

ORDERED AND ADJUDGED that the commencement or further prosecution of any action or proceeding against Petitioner, the Vessel or any other property of Petitioners with respect to any claims for which Petitioners seek exoneration from or limitation of liability herein, including any claim arising out of or connected with any loss, damage, injury, or destruction, more fully described in the Complaint, is hereby **STAYED, ENJOINED AND RESTRAINED**, until the final determination of this action; and

IT IS FINALLY ORDERED that service of this Order as a restraining order may be made by mailing a conformed copy of it to the person or persons to be restrained, or to their respective attorneys, or alternatively, by hand delivery.

DONE AND ORDERED in Ocala, Florida, on July 2, 2020.



PHILIP R. LAMMENS
United States Magistrate Judge

Copies to Counsel of Record